

#7

Attorney Docket: 4002-006PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOHN BOTT et al.

Serial No. 09/762,163

Filed: March 9, 2001

Group Art Unit:

Examiner:

For: AUTOMATED IMMUNOASSAY APPARATUS WITH FLEXIBLE PICK-UP ARM

LETTER

RECEIVED

Mail Stop PCT
 Commissioner of Patents
 Office of PCT Legal Administration
 P.O. Box 1450
 Alexandria, VA 22313-1450

2 JUN 2005

Legal Staff
 International Division

RE: REVIVAL PETITION FOR U.S. PATENT APPLICATION 09/762,163

Sir:

By a document date March 4, 2005 the above petition filed January 7, 2005 was dismissed without prejudice because of insufficient fees. Attached hereto is a copy of the Petition and a copy of Applicant's attorney's check for \$730.00 which was filed with this case. Attached also is Applicant's attorney's check for \$85.00. \$20.00 would be applied to the Petition fee and \$65.00 for the surcharge for filing the oath or declaration late. Accordingly it is requested that the Petition be reinstated.

Adjustment date: 03/23/2005 SNAJARRO
 01/12/2005 MKAYPAGH 00000132 09762163
 02 FC:1208 ~~665.00 OP~~

03/23/2005 SNAJARRO 00000126 09762163

01 FC:2453

750.00 OP

Respectfully submitted,

Donald C. Casey

Donald C. Casey
Registration No. 24,022

311 North Washington Street
Suite 100
Alexandria, VA 22314
(703) 548-2131 DCC:nwl
Date: March 10, 2005
Docket No.: 4002-006

Certificate of Mailing

I hereby certify that this correspondence is
being deposited with the United States Postal Service as
first class mail in an envelope addressed to: Commissioner
of Patents and Trademarks, Washington, D.C. 20231

on March 10, 2005
A. Buckle

Attorney Docket: 4002-006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JOHN BOTT et al.

Serial No. 09/762,163

Filed: March 9, 2001

Group Art Unit:

Examiner:

For: AUTOMATED IMMUNOASSAY APPARATUS WITH FLEXIBLE PICK-UP ARM

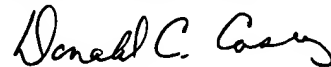
PETITION PURSUANT TO 37 CFR SECTION 1.137 (b)

Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions to revive the above-entitled patent application. The entire delay in filing the required reply from the due date until the filing of a grantable petition pursuant to 37 CFR 1.137 (b)(3) was unintentional. Attached hereto is the required reply which is the signed inventor's declaration by the four inventors, the petition fee for a small entity, and the surcharge for providing the oath or declaration later than the appropriate 20 or 30 month from the priority date.

Respectfully submitted,



Donald C. Casey

Registration No. 24,022

311 North Washington Street
Suite 100
Alexandria, VA 22314
(703) 548-2131 DCC:nwl
Date: January 6, 2005

Certificate of Mailing

I hereby certify that this correspondence is
being deposited with the United States Postal Service as
first class mail in an envelope addressed to: Commissioner
of Patents and Trademarks, Washington, D.C. 20231

on

January 6, 2005

Donald C. Casey

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

| U.S. APPLICATIONS | | | STATUS (Check One) | | |
|---------------------------------------|------------------|---------------------------------------|--------------------|---------|-----------|
| U.S. Application Number | U.S. Filing Date | | Patented | Pending | Abandoned |
| | | | | | |
| | | | | | |
| | | | | | |
| PCT APPLICATIONS DESIGNATING THE U.S. | | | | | |
| PCT Application No. | PCT Filing Date | U.S. Serial Numbers Assigned (if any) | | | |
| | | | | | |
| | | | | | |
| | | | | | |

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Donald C. Casey, Reg. No. 24,022

Send Correspondence to:

Donald C. Casey, Esq.
311 North Washington Street, Suite 100
Alexandria, Virginia 22314

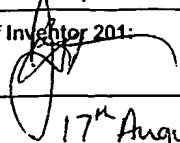
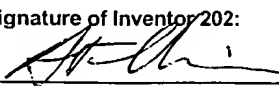
Direct Telephone Calls to:
(name and telephone number)

(703) 548-2131

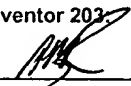
| | | | | |
|-----|------------------------------|--|--|---|
| 201 | Full Name of Inventor | Family Name BOTT | First Given Name John | Second Given Name |
| | Residence and Citizenship | City St. Martins | State or Foreign Country Guernsey | Country of Citizenship United Kingdom |
| | Post Office Address | Post Office Address Skala, Rue des Grons | City St. Martins | State & Zip Code/Country Guernsey GY4 6JU, UK |
| 202 | Full Name of Second Inventor | Family Name FUSSELLIER | First Given Name Andrew | Second Given Name |
| | Residence and Citizenship | City Torteval | State or Foreign Country Guernsey | Country of Citizenship United Kingdom |
| | Post Office Address | Post Office Address L'Eclair, Rue du Laitte | City Torteval | State & Zip Code/Country Guernsey GY8 OPD, UK |
| 203 | Full Name of Third Inventor | Family Name BUNCE | First Given Name Adrian | Second Given Name Michael |
| | Residence and Citizenship | City Worthing | State or Foreign Country West Sussex | Country of Citizenship United Kingdom |
| | Post Office Address | Post Office Address West Lodge Mill Lane, High Salvington | City Worthing | State & Zip Code/Country West Sussex, UK |
| 204 | Full Name of Third Inventor | Family Name LE PAGE | First Given Name Paul | Second Given Name |
| | Residence and Citizenship | City St. Andrews | State or Foreign Country Guernsey | Country of Citizenship United Kingdom |
| | Post Office Address | Post Office Address Vaucour Place, Rue des Talbqts St. Andrews | City | State & Zip Code/Country Guernsey GY6 8SU, UK |

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under section 1001 of Title 18 of the United States and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|---|---|----------------------------|
| Signature of Inventor 201:  | Signature of Inventor 202:  | Signature of Inventor 203: |
| Date 17 th August 2004 | Date 17 th August 2004 | Date |
| Signature of Inventor 204: P.H.L. Page | | |
| Date 17 August 2004 | | |

under section 1001 of Title 18 of the United States and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|----------------------------|----------------------------|---|
| Signature of Inventor 201: | Signature of Inventor 202: | Signature of Inventor 203:  |
| Date | Date | Date 17 th AUGUST 2004 |
| Signature of Inventor 204: | | |
| Date | | |

LAW OFFICES OF DONALD C. CASEY

PH 703-548-2131
311 NORTH WASHINGTON STREET SUITE 100
ALEXANDRIA, VA 22314

5042

68-141/510
BRANCH 68714

DATE 1-6-05

PAY
TO THE
ORDER OF

Commissioner of Patents

\$ 730

Seven hundred thirty and no/100

DOLLARS

Security
Features
Details on
Back.



WACHOVIA

Wachovia Bank, N.A.
wachovia.com

FOR

4002-006

Donald C. Casey

⑈005042⑈ ⑆051001414⑆ 2079117742028⑈



04 MAR 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAR - 7

Donald C. Casey
311 North Washington Street Suite 100
Alexandria, VA 22314

In re Application of
BOTT et al.
Serial No.: 09/762,163
PCT App. No.: PCT/GB99/02425
Int'l Filing Date: 23 July 1999
Priority Date: 04 August 1998
Attorney Docket No.: 4002-006
For: AUTOMATED IMMUNOASSAY
APPARATUS WITH FLEXIBLE PICK-UP ARM :

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This is a decision on applicants' "Petition Pursuant to 37 CFR 1.137(b)", filed on 07 January 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 09 March 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that the oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the 20 or 30 month period, was required.

On 08 July 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant.

On 07 January 2005, applicants responded to the Notification of Abandonment with the instant petition to revive along with a 3 page executed declaration.

DISCUSSION

A petition under 37 CFR 1.137(b) must be accompanied by (1) a proper response unless it has been previously submitted, (2) the fee required by law for revival of an unintentionally abandoned application (1.17(m)), and (3) a statement that the "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional".

The petition included the petition fee of \$665. The requisite petition fee, effective 08 December 2004, for a petition to revive unintentionally abandoned application is \$1500 (\$750 for a small entity). Applicant did not provide an authorization to charge fees to his deposit account. Without payment of the full petition fee, the petition is dismissed.

CONCLUSION

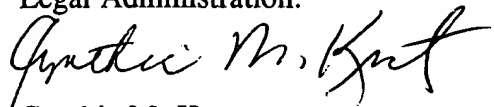
The petition under 37 CFR §1.47(a) is DISMISSED WITHOUT PREJUDICE. The

Application No.: 09/762,163

2

application remains abandoned.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
Office of PCT Legal Administration

Telephone: 571-272-3286
Facsimile: 571-273-0459



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

| | | |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/762163 | BOTT J. | 4002-006 |

DONALD C CASEY
311 NORTH WASHINGTON STREET SUITE 100
ALEXANDRIA, VA 22314

| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/GB99/02425 | |
| I.A. FILING DATE | PRIORITY DATE |
| 23 JUL 99 | 04 AUG 98 |
| DATE MAILED: | |

09 MAR 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☐ a non-English language.
 - ☒ English.
- ☐ Translation of the international application into English.
- ☐ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).